

29 April 2016

By email: Planning@southoxon.gov.uk

working locally and nationally to
protect and enhance a beautiful,
thriving countryside for everyone to
value and enjoy

REF: P16/S1196/SCO

**South Oxford Garden Neighbourhood Environmental Impact Assessment Scoping Report:
Response from CPRE Oxfordshire, April 2016**

We have examined the above scoping report and wish to make the following observations.

1. Landscape and Visual

- The area is Green Belt land and therefore serves several specific purposes that are closely related to the open rural character of the area, separation of settlements and contribution to safeguarding the rural setting of a major historic town - all of which are directly related to landscape character to which great weight applies under NPPF. Treating this as a non-designated area and saying that “the landscape character area will be assessed where potential for effects is likely” rather than the whole area appears to belittle the significance of this issue.
- The detailed report states that *‘repair’ or ‘restore’ enhancement strategy criteria included in the SOLA, are described as “showing some signs of decline in condition and quality. Principally this is the result of a general weakening of landscape structure through intensive arable farming, in places creating a particularly open and denuded character.”* And then proceeds to treat this as indicating that the area is suitable for development: the test will need to be whether or not a change from rural to urban development would *‘repair’ ‘restore’ or ‘enhance’* the area.
- There is no consideration of the cumulative effect of how large scale housing would add to the existing damaging effect of various aspects of degradation, making matters worse and precluding, rather than facilitating opportunities to *‘repair’ ‘restore’ or ‘enhance’* landscape character.
- The detailed report further makes no reference to the implication of Green Belt designation and how its purposes relate to landscape character, or how changes would alter the achievement of those key purposes and the great weight that must be applied to them - as also applies to the potential for past problems to be reversed through a *‘repair’ or ‘restore’* enhancement strategy.
- The detailed report refers to Rights of Way being the only important visual *‘receptors’ in immediate proximity to the site* but has not addressed wider views, winter, or nighttime/ dark skies issues. It makes no reference to the Oxford Green Belt Way.

- Nor is weight given to the benefit to the receptors who are residents of The Leys who enjoy open countryside just across the road or benefit to the receptors of the public enjoying Brasenose Wood.
- In a similar way to the treatment of landscape, the proposed approach sees anything detracting as devaluing the site and so an excuse to add far more substantially to the change than has happened in the past, rather than offering the potential without development of the formally recognised '*repair*' or '*restore*' enhancement strategy.
- The methodology set out is related to the GLIVA 2013 standards but makes no reference to considering seasonal variation especially winter views; it refers to choosing specific viewpoints, but makes no reference to the need to assess kinetic visual experience as the viewer moves through the landscape.
- While the GLIVA guidance defines requirements for photographic representations, experience suggests that often such standards do not fully capture human visual perception. Consideration should also be given to presenting photographic stills as images at a range of focal length up to 70mm following research into public perception of photographic representations of landscape by Stirling University for Highland Council (see http://www.highland.gov.uk/downloads/file/3033/effect_of_focal_length_on_perception_of_scale_and_depth_in_landscape_photographs)
- The methodology gives no indication of how cumulative effects will be assessed to ensure that it meets the EU definition of cumulative effects: "*Impacts that result from incremental changes caused by other past, present or reasonably foreseeable actions together with the project*" - either in respect of past effects or other examples of areas within the landscape character area and wider Green Belt designation that are 'reasonably foreseeable' by virtue of their inclusion in Local Plans (including emerging plans) the SEP, SHLAAs, and Oxfordshire Green Belt Study.
- The section on mitigation gives no indication of what consideration will be given to the likely need for off-site remedial landscaping and repair or removal of negatively intrusive features elsewhere in the landscape character areas affected, as a means of off-setting the cumulatively negative effect of adding large scale housing to existing detractors in the Green Belt.

2. Ecology:

- As above, the full range of cumulative effects is not identified for assessment in terms of how the development would result in *incremental changes caused by other past, present or reasonably foreseeable actions together with the project*.

3. Heritage:

- The report states that "*There are concentrations of listed buildings in Garsington, Toot Baldon and Littlemore conservation areas, which are all located within 1km of the site, to the south east, south and north west respectively.*" But no evidence is presented to demonstrate the claim that the setting of listed buildings and conservation areas will not be affected. Indeed the statement -

The conservation areas generally protect historic settlements, and it is therefore unlikely that residential development within the site would adversely affect their wider landscape settings.

- betrays a fundamental lack of appreciation of what constitutes the setting of heritage assets. This concerns how understanding and appreciation of their historical significance may be affected by changes to their surroundings.

- a. In the case of rural villages, including historic farms and manors and landmarks such as church towers and steeples their historical significance fundamentally depends on their historical, landscape visual and functional relationship between the built area and the surrounding countryside that their inhabitants once farmed.
- b. How far such relationships remain clear and legible varies, and relates also to historic character of the landscape and historic distribution and form of settlement. But in this case these issues have special significance because they also relate to the rural setting of Oxford protected by Green Belt designation, which is characterised by historic villages hamlets and farms in amongst the fields and woodland that were the chief economic resources of the communities and source of produce for local markets in Oxford.
- c. Where such villages are Conservation Areas, their rural surroundings are often very much part of the 'character or appearance' that is statutorily protected and - as a number of court judgments have made clear - must be given 'substantial weight and importance' along with their internal character and appearance. ¹
 - The approach makes no mention of key professional and national guidance - notably Chartered Institute for Archaeology standards on desk studies, geophysics and evaluation; or Historic England's guidance on assessing heritage setting issues; heritage values; historic landscape character; and design issues.
 - Nor does it reference the purpose of Green Belt land to protect the setting (and by extension heritage) of the Historic City.
 - No consideration of the need to assess effects in relation to non-designated buildings, industrial and other historic features and designed landscapes, in accordance with NPPF.
 - No consideration is given to the need to assess effects on the historic character of the area (eg using the Oxfordshire Historic Landscape Characterisation) in accordance with NPPF.
 - The proposed methodology is flawed in not identifying the Oxfordshire Record Office as a key source of information (eg for non-OS tithe, enclosure and estate maps, historic maps and other local records) or the portable antiquities scheme and museum records for evidence from finds.
 - Given the extent and importance of the archaeology of the adjacent area under the Grenoble Road development, the area has clear potential for the existence of remains of the Oxfordshire Roman pottery industry which is of national importance. The approach makes no mention of the obvious need for geophysics and evaluation as part of the EIA before determination of any consent, so that any substantially important remains can be avoided.
 - The sources of impact make no reference to the need to consider the effects of landscaping proposals; it is entirely incorrect to suggest that impacts on setting are 'indirect' effects: under definition of EU EIA guidance they are direct impact interactions (ie where a combination of directly caused physical and perceptual changes alter the character and significance of heritage assets for better or worse).

¹ Key court cases reaffirming statutory requirement for "considerable weight and importance" to be given to setting issues are:

a) For setting of Listed Buildings, Court of Appeal judgment re *Lieveden New Bield - Barnwell Manor Ltd. v E. Northants DC* [2015] EWCA 891.

b) For setting of Conservation Areas and Registered Parks and Gardens, High Court judgment re *Llangwyned CA and Margam RPG, S Wales - R (ex p, Community Power Ltd.) v National Assembly for Wales* [2004] EWHC 2186.

- There is no consideration of the cumulative effects of this development with other past, planned or reasonably foreseeable ones on the cultural heritage. How will it contribute to other change affecting the setting of Listed Buildings and Conservation Areas? Or changes to historic landscape character and loss of rural character in the wider countryside setting of Oxford protected by Green Belt? Or the loss of physical remains of the Roman pottery industry?
- No consideration of the full range of design issues that arise if the proposals are to 'avoid, reduce, remedy or offset' harmful effects - including layout, architecture landscaping etc. - in relation to the effects of the development on all aspects of the historic environment, including historic landscape character.

4. Ground Conditions and Contamination

- The need for proactive integration with historical and archaeological assessment, including mutually collaborative approaches to desk studies and field work should be recognised and developed to enhance both studies.

5. Cumulative Development

- The proposed approach is far too narrow: the quoted guidance from the section of the NPPG on environmental assessment only relates to the screening stage of the EIA process - ie deciding whether or an EIA is needed - NOT the carrying out of an EIA or preparation of an environmental statement.
- The actual assessment should be carried out in accordance with the long standing official EU definition and guidance, *Guidelines for the Assessment of Indirect and Cumulative Impacts as well as Impact Interactions*:
<http://ec.europa.eu/environment/archives/eia/eia-studies-and-reports/pdf/guidel.pdf>
- This means that the assessment should address "*Impacts that result from incremental changes caused by other past, present or reasonably foreseeable actions together with the project*" which means how the development would add to past effects on the same area or characteristics of the location and its surroundings, together with how it would contribute to the overall effects of other approved or 'reasonably foreseeable' developments affecting the same area and its surroundings, the environmental/planning designations and issues affected, and people affected. What is *reasonably foreseeable* is defined by their inclusion in Local Plans (including emerging plans) the SEP, SHLAAs, and Oxfordshire Green Belt Study.

6. Alternatives

- It is a requirement of the EU Directive and UK Regulations that environmental statements report what consideration has been given to alternatives and the reasons (especially vis-à-vis environmental effects) for the chosen proposal.
- The scoping report makes no reference to this requirement or how it would be addressed.
- In order to be informative to the decision maker, it will be necessary to show what discussions have been held with the planning authority (and neighbouring ones) about options with regard to:
 - a. alternative possible locations for such a development - especially regarding those issues such as Green Belt land, ecology and the setting of heritage assets that carry 'great weight';

- b. the scale of development;
- c. different access and layout options; and
- d. detailed alternative options considered under each environmental topic.

7. Scoped out issues

- *Waste disposal:* It is not appropriate that this has been ‘scoped out.’ There is likely to be construction waste of various forms which may well include hazardous materials, and the proposed scale of housing is likely to generate a significant amount of waste which will contribute to the overall cumulative effects of waste disposal transportation and treatment
- *Geology:* It is not appropriate that this has been ‘scoped out.’ The site is reported as being located on Ampthill and Kimmeridge Clay members, which are likely to contain fossils; whether or not there have been previous finds in the area the potential for important remains to be disturbed is real and needs to be assessed and provided for.

George Lambrick
CPRE Oxfordshire Heritage Advisor

ENDS.